

MINUTES

Eugene Toxics Board
Saul Conference Room—The Atrium Building—99 West 10th Avenue

May 11, 2000
3 p.m.

PRESENT: Cathy Verrét, Steve Johnson, Steve Morgan, Mary O'Brien, Mike Friese, Madronna Holden, Clyde Carson, members; Glen Potter, Fire & Emergency Medical Services Department; Andy Poynter, Environmental Poynters, Inc; Kevin Masterson, DEQ - Right-to-Know Project; Ken Luse, Luse & Associates; Brian Allen, Hyundai; Terry Connolly, Eugene Chamber of Commerce; Chuck Solin, City of Eugene Risk Management.

The meeting was called to order at 3 p.m.

I. APPROVAL OF AGENDA

There were no new items for the agenda.

II. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

III. APPROVAL OF MINUTES

The board made the following revisions to the April 20, 2000, minutes:

* On page 2, in the next to the last paragraph, "provided" was changed to "provides".

* On page 4, in the last paragraph, "Re" was capitalized.

With the above changes, the minutes were approved unanimously.

IV. STAFF REPORT

Mr. Potter circulated a list entitled, "Fee-Paying Companies/1999 Employees - Toxics Right-To-Know Program - 5/11/00." The flier listed companies that were reporting and paying fees, and also those not reporting and paying fees. It also included reported 1999 FTEs for all of the companies. Mr. Potter said the numbers may still change and companies may be added to the list.

Mr. Potter stated that there were 48 companies and 49 facilities reporting. He said he had identified 33 companies that would be required to pay fees but not to report. The City Council still must adopt a resolution establishing the \$14.3- per-FTE fee. The City Council is scheduled to take this action June 12; bills will be sent out on June 13, with a 30-day deadline for payment.

Mr. Potter reported further that the City Council has scheduled a work session on June 26 to discuss the ordinance the Toxics Board has recommended that would add chemicals to the City's list of reportable substances. There is also a public hearing on the ordinance scheduled for July 10 at 7:30 p.m., and City Council action is scheduled for July 24, at 7:30 p.m.

There was some concern that early estimates were much lower than the final estimate. Mr. Friese recommended that that be pointed out to the City Council in the staff notes.

Mr. Johnson asked about bicycle manufacturers Burley, Co-Motion, and Green Gear. Mr. Potter stated that he was in continuing contact with all three manufacturers in order to verify that they do not use more than 2,640 pounds of reportable substances per calendar year. Mr. Friese recommended that Mr. Potter obtain a copy of Burley's most recent wastewater permit and inspection report.

Mr. Potter next distributed a memo concerning the possibility of purchasing a vehicle for the program with surplus General Funds available this fiscal year. After discussion, the board agreed that the program did not generate sufficient demand for transportation to justify the purchase of a vehicle, unless the vehicle were to be shared by other personnel. Mr. Potter agreed to share the board's views with the Fire Marshal and report back.

V. CONSIDERATION OF NEWOOD PRODUCTS' 1999 MATERIALS BALANCE REPORT

Mr. Friese asked why Newood was given an extension of 27 days rather than 30 days. Mr. Potter replied that he and Mr. Nichols of Newood had agreed on the duration of the extension, which was close to the maximum allowed with Toxics Board approval. Mr. Johnson reminded the board that Mr. Potter had been given authority to grant extensions of up to 30 days depending on each company's need.

The board agreed to revisit the policies regarding extensions at a future meeting.

Mr. Johnson noted that, for 1999, Newood initially reported many output quantities in the "consumed" category. In the company's 1998 report, however, no quantities were reported in that category. The company was notified of the discrepancy, and subsequently submitted an amended 1999 report that reflected in the "emitted to air" category most of the quantities previously reported as "consumed."

Mr. Johnson stated that he had been told that there was a rush to submit the initial 1999 report by the extended deadline, and he questioned its integrity. He noted that all of the outputs in that report were either in the December 31 inventory” or “consumed” category. He considered this to be a very inadequate description of the company’s processes.

Mr. Friese said that the Register Guard was allowed to make up and guess at some things on their report. Mr. Johnson said they would not be allowed to do so for a second year.

Mr. Carson said that Mr. Poynter, who prepared the report on Newood’s behalf, requested a second extension because it was harder than he thought it would be to put the report together. Mr. Carson felt it was important to try to work with companies, so he felt the board needed to be more generous with its extensions. He felt the report from Newood would have been more accurate with more time.

Mr. Carson moved, seconded by Mr. Friese, to accept Newood’s amended report without fines. The motion passed unanimously.

Discussion of the Newood report continued. Mr. Poynter stated that he could not use the company’s 1998 report as a template because the company’s products and processes had changed.

Ms. O’Brien asked how Mr. Poynter determined, initially, that nothing had been emitted to the air and everything had been consumed. Mr. Poynter said it was based on the inability to identify which percentage went to the air. Ms. O’Brien asked if zero percent was really the most accurate choice. Mr. Poynter said, no, in hindsight, it was not the best idea.

Mr. Poynter noted, however, that 23 companies reported quantities as “consumed” so he was not alone in the use of that output factor. He felt that the use of the category merited further discussion and evaluation.

Mr. Johnson said that this was the most egregious reporting that he had seen and that it was close to a violation. He said lenience in a company’s first year was reasonable, but that this was not Newood’s first year. Mr. Johnson was willing to give Newood a learning curve but hoped that Newood would not show up on the agenda next year.

Ms. O’Brien said that “consumed” and “emitted” needed clear definitions. Mr. Friese agreed to draft language for the handbook about these terms, including guidance on reporting of paint.

VI. REVIEW OF HAZARDOUS SUBSTANCES USED BY THE CITY OF

EUGENE

Mr. Solin, the Loss Control/Environmental Program Manager for the City's Human Resources and Risk Services Department, said the City did not generate a lot of hazardous waste. He said the City did not use large amounts of chemicals. He added that the City might not be sure how to report certain quantities used in activities such as paint striping the crosswalks and curbs. He was not sure if that was "consumed" or not. He said the City reports its purchases of paint to the Lane Regional Air Pollution Authority. He believed that LRAPA then calculated probable VOC (volatile organic compound) emissions.

He said that the City uses chemicals in pools, at the wastewater treatment plant, and in paint for streets. There is also a City automotive repair shop, sign painting shop, carpentry shop, and manufacturing of specialized pieces of equipment. Mr. Solin said there was an integrated pest management plan and the City tracked all the uses of those chemicals. The largest user of that is Public Works and that data is readily available. There are chemicals and wastes but there is not much hazardous waste. None of the City's sites are above the Conditionally Exempt Generator status.

Mr. Johnson asked if the City has a central purchasing office. Mr. Solin said that unfortunately, each department does its own purchasing so he relies on each department to give him accurate reports. Mr. Johnson asked if the City has an annual material inventory process and Mr. Solin said it does not.

Ms. O'Brien asked whether City departments could respond to a series of basic questions concerning chemical usage. Mr. Solin said that each department should be able to do that, but departments would ultimately need further clarification regarding what and how they should report.

Ms. O'Brien moved, seconded by Mr. Carson, to have a subgroup draft a set of questions for the City to answer, and then bring them back to the Board. The motion was approved unanimously.

Ms. O'Brien and Mr. Carson agreed to serve as members of the subgroup. It was decided to initially gather information concerning the City's sign making and facilities maintenance operations.

VII. ORDINANCE REQUIRING REPORTING OF NEW TRI CHEMICALS/PBTs

Mr. Potter said the purpose of this agenda item was to review the draft ordinance and Council agenda item summary (staff notes). The board made various editorial suggestions which were recorded by Mr. Potter.

VIII. REVIEW DRAFT 2001 TRACKING INSTRUCTIONS

Mr. Potter referred to a memo dated May 4, 2000, entitled, "2001 Tracking Instructions." The memo listed various proposed updates to the tracking instructions. Mr. Potter said some additional possible questions and answers had been brought up at this meeting, concerning paints and the term "consumed."

Ms. Holden asked if there would be updated reporting forms. Mr. Potter said the software might be updated, and that the handbook would reflect the most current screen samples available at the time of publication.

IX. SCHEDULE NEXT MEETING

Mr. Johnson proposed that future agendas include, as a standing item, not only "Approval of the Agenda" but also "New Business." The board agreed with this suggestion, and also agreed to allow time at the end of each meeting to recap what items should be on the agenda for the next meeting.

The board agreed that the following items should be on the agenda for the next meeting:

- * Reporting of paint and definition of "Consumed"
- * Reporting extension policies
- * Draft questions for the City of Eugene concerning hazardous substance usage

The next meeting had been tentatively scheduled for June 15 but it was agreed there was no need for the board to meet during June and July, as long as there was a meeting in August. The next meeting was scheduled for August 16 at 3:30 p.m.

The meeting adjourned at 5:40 p.m.

(Recorded by Kirsten Anderberg)
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